

HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.1604 OF 2007

Between:

M/s. Neo Sovereign Stores, a Partnership concern,
Per it's Managing Partner Sri P. Ramlingam,
S/o. Late Lingaiah, Hindu, Aged about 72 years,
Occ: carrying on business at premises No. 5-2-131/3,
Rasthrapathi Road, Secunderabad, R/o.
Maddanapet, Saidabad, Hyderabad

...Petitioner

AND

Ved Prakesh Mahon and another

...Respondents

: O R D E R :

Counsel for the petitioner
Bodhankar

: Shri Balraj

1st February, 2007

Per G.S.SINGHVI, CJ

In this petition, filed under Article 226 of the Constitution of India, the petitioner has made the following substantive prayer:

“It is therefore prayed that this Hon’ble court may be pleased to issue a writ, order or direction more in the nature of Certiorari declaring the Judgment & Decree passed by the 1st Junior Civil Judge, C.C.C. at Secunderabad in O.S.No.1316 of 2004 Dated: 3-4-2006 and consequential Execution proceedings under E.P.No.112/2006 under warrant dated: 07-10-2006; and order of the 1st Additional Judge, C.C.C. Secunderabad under I.A.No.1882/2006 in A.S.No.113/2006, dated 21-07-2006 and also Judgment in A.S.No.113/2006, dated, 31-08-2006, as wholly null and void and without Jurisdiction in view of Sec.32 (c) R/W Sec.10 of Andhra Pradesh Buildings (Lease, Rent and Eviction) Control (Amendment), 2005 which came in to force with effect from 28th May, 2005 passed by the 2nd Respondent herein, with retrospective effect during the pendency of the original suit on the file of the 1st Junior Civil Judge, C.C.C. Secunderabad and consequentially the Petitioner may be put in possession of the suit schedule premises being protected under the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 2005 which came into force with effect from 28th May, 2005, by issuing necessary directions to the Respondent No.1, through the process of the 1st Junior Civil Judge, C.C.C. Secunderabad and also be pleased to pass such other order or orders as this Hon’ble court deems fit and proper in the circumstances of the case.

It is therefore prayed that this Hon'ble court may be pleased to issue a writ, order or direction more in the nature of Certiorari declaring the Judgment & Decree passed by the 1st Junior Civil Judge, C.C.C. at Secunderabad in O.S.No.1316 of 2004 Dated: 3-4-2006 and consequential Execution proceedings under E.P. No.112/2006 under warrant dated: 07-10-2006 and order of the 1st Additional Judge, C.C.C. Secunderabad under I.A No. 1882/2006 in A.S.No.113/2006, dated 21-07-2006, & Judgment Dated, 31-08-2006 as wholly null and void and without Jurisdiction in view of Sec. 32 (c) R/W Sec. 10 of Andhra Pradesh Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 2005 which came into force with effect from 28th May, 2005, with retrospective effect during the pendency of the original suit on the file of the 1st Junior civil Judge, Secunderabad and consequentially the Petitioner may be put in possession of the suit schedule premises being protected under the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 2005 which came into force with effect from 28th May, 2005, by issuing necessary directions to the Respondents herein and also be pleased to pass such other order or orders as this Hon'ble court deems fit and proper in the circumstances of the case."

After arguing the case for sometime and on being apprised by the Court that the writ petition is liable to be dismissed with costs by being treated as a frivolous piece of litigation, learned counsel for the petitioner made a request that his client may be permitted to withdraw the writ petition.

The request of the learned counsel is accepted and the writ petition is dismissed as withdrawn.

As a sequel to dismissal of the writ petition as withdrawn, WPMP No.2038 of 2007 and WPMP (SR) No. 125023 of 2006 filed by the petitioner are disposed of as infructuous.

G.S. SINGHVI, C.J.

February 01, 2007

C.V. NAGARJUNA REDDY, J.

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